IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 1953 of 2005
In
Writ Petition No. 3853 of 2005

The Deputy Commissioner of Income Tax .. Applicant
V/s.
Income Tax Appellate Tribunal and Anr. .. Respondents

Dr. P. Daniel with Mr. A.S. Rao for the Applicant
Mr. P. Murlidhar with Mr. Sanjay Mishra i/b. M/s. Amarchand Mangaldas & S.A. Shroff & Co. for the Respondent No. 2.

CORAM : DR. S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 09.08.2005.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the Applicant and the Respondents. The learned counsel for the Respondents waives service.

2. By this Civil Application, the Applicant is seeking recall of our order dated 4.7.2005, whereby the above Petition was dismissed in default. For the reasons stated in the Civil Application, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide, hence the Civil Application is made absolute in terms of prayer clause (a) and (aa).

3. Place the above matter for admission on 5.9.2005.

(DR. S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)